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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) No. 4-12-70810 MAG
11)
Plaintiff,) STIPULATION AND ORDER RESETTNG
12) DATE FOR PRELIMINARY HEARING
vs.)
13)
ANA LISSA REYES,)
14)
Defendant.)
15 _____)

16 IT IS HEREBY STIPULATED between the plaintiff through its attorney, Wade Rhyne,
17 and the defendant through her attorney Ned Smock, that the preliminary hearing in this matter
18 now set for November 9, 2012 at 9:30 a.m. shall be reset for December 20, 2012 at 9:30 a.m.
19 The parties are exploring possible resolution of the case. Ms. Reyes is out of custody. The
20 government has provided disclosures of extensive reports and records, and will be producing
21 additional records and reports that should assist the parties in discussing settlement. The case
22 involves thousands of pages of discovery. The defense needs additional time to review those
23 records as the parties attempt to negotiate a pre-indictment resolution. Reviewing and
24 synthesizing the records is necessary as the parties negotiate, among other things, Sentencing
25 Guidelines calculations.
26

1 Defendant Reyes and her counsel waive the provisions of Rule 5.1(c) of the Federal
2 Rules of Criminal Procedure requiring a preliminary hearing to be held within 20 days of her
3 initial appearance and 18 U.S.C. § 3161(b) requiring an indictment to be filed within thirty days
4 from the date of arrest. The continuance is also necessary to allow counsel for the defendant the
5 reasonable time necessary for effective preparation, taking into account the exercise of due
6 diligence. Accordingly, the parties further stipulate and agree that the time from November 9,
7 2012 to December 20, 2012, should be excluded in accordance with the provisions of the Speedy
8 Trial Act, 18 U.S.C. § 3161(7)(B)(iv).

9
10 IT IS SO STIPULATED:

11 Dated: November 5, 2012

/s/ Ned Smock
NED SMOCK
Assistant Federal Public Defender

13
14 Dated: November 5, 2012

/s/ Wade Rhyne
WADE RHYNE
Assistant United States Attorney

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16
17 **ORDER**

18 GOOD CAUSE HAVING BEEN SHOWN, it is hereby ordered that the preliminary
19 hearing in this matter now scheduled for November 9, 2012 is hereby rescheduled for December
20 20, 2012 at 9:30 a.m. before Magistrate Judge Kandis A. Westmore and that time is excluded
21 from November 9, 2012 to December 20, 2012 pursuant to 18 U.S.C. § 3161(7)(B)(iv).

22
23 Dated: November 5, 2012



HONORABLE DONNA RYU
United States Magistrate Judge